

THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

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WRIT PETITION NO.32598 of 1997

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DATED 12.03.2007

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Between:

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R.Lakshmana Reddy S/o R.Chenchu Reddy

... PETITIONER

And:

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The Commissioner of Survey and Settlement,
Settlement and Land Records, Andhra Pradesh,
Hyderabad and others.

... RESPONDENTS

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THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

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WRIT PETITION NO.32598 of 1997

ORDER:

This writ petition is filed questioning the order, dated 29.04.1997,
passed by the first respondent confirming the order, dated 08.07.1981,

passed by the second respondent, whereby, the second respondent cancelled the assignment granted in favour of the petitioner in respect of the land admeasuring Ac.0.83 cents in Sy.No.34 situated at Akkarampalli village, Chandragiri Taluk, Chittoor District.

It is the case of the petitioner that the Assistant Settlement Officer, Chittoor, by an order dated 15.10.1964, granted a patta in his favour in respect of the land admeasuring Acs.1.17 cents in Sy.No.35/1, under Section 11 of the Estates Abolition Act, after considering his eligibility. Subsequently, on the recommendations made by the District Collector, Chittoor, the second respondent initiated revisional jurisdiction and after holding an enquiry on the ground that the said land is a vagu poramboke, cancelled the said patta on 12.06.1975. The petitioner carried the matter by way of revision to the first respondent, and the first respondent also confirmed the order of the second respondent, without giving any notice to the petitioner. Hence, the petitioner filed W.P.No.8192 of 1983 and on remand the first respondent dismissed the revision, without assigning any reasons. Hence, this writpetition.

Counter is filed on behalf of the respondents, wherein it is stated that the land assigned to the petitioner is a vagu poramboke, and as the said land cannot be assigned, the Director of Settlements cancelled the patta, and the Commissioner of Survey and Land Records also confirmed the said cancellation. Therefore, the petitioner cannot question the cancellation of the said assignment.

Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Revenue.

Learned counsel for the petitioner, reiterating the contentions put forth in the affidavit filed in support of the writ petition, has placed reliance on a judgment of a Division Bench of this Court reported in

A.Kodanda Rao v Government of Andhra Pradesh,^[1], and contended that the patta was granted in the year 1964 and the authorities could not have initiated the suo motu powers after a long lapse of about 11 years i.e, in the year 1975.

The learned Assistant Government Pleader, opposing the said submission, stated that the question of lapses/limitation has no application to the case on hand, as the vagu poramboke cannot be granted by way of patta and hence, the suo motu revisional jurisdiction exercised by the second respondent is justified, which warrants no interference.

Having heard both the counsel, this Court is of the view that irrespective of the fact as to whether the land in question is a vogu poramboke or not, the said suo motu exercise cannot be initiated at the will and pleasure of the respondents. In fact, as per the order of the Assistant Settlement Officer, Chittoor, dated 15.10.1964, the land in question is a vagu poramboke, but even after granting ryotwari patta, the vanka has a width of 60 links, which is quite sufficient for the purpose of vanka. It is also stated that the assignment in no way causes hindrance to the flow of water. It is further stated in the said order that the petitioner had brought the entire land under cultivation with chalam and groundnut crop.

In the light of the above discussion, this Court is of the view that the very revisional jurisdiction exercised by the second respondent as confirmed by the first respondent is definitely hit by laches and further, as no hindrance would be caused to the flow of water, cancellation of ryotwari patta granted in favour of the petitioner is not proper.

Accordingly, the writ petition is allowed setting aside the orders passed by the first and second respondents dated, 29.04.1997 and dated 08.07.1981, respectively. There shall be no order as to costs.

12.03.2007

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[\[1\]](#) 1981 (2) ALT 280